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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/406,330	09/27/1999	ELLIS T. CHA	2855/16	1491

7590 08/06/2004

KENYON & KENYON
SUITE 600
333 W SAN CARLOS STREET
SAN JOSE, CA 95110-2711

EXAMINER

DAVIS, DAVID DONALD

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 08/06/2004

35

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/406,330

Applicant(s)

CHA, ELLIS T.

Examiner

David D. Davis

Art Unit

2652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 6, 7, 11, 12, 16, 17, 21, 22, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 6, 7, 11, 12, 16, 17, 21, 22, 26 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2652

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 6, 7, 11, 12, 16, 17, 21, 22, 26 and 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Wada et al (US 6,144,529) in view of Levi et al (US 6,137,656). As per claims 1, 6, 11, 16, 21 and 26, Wada et al shows in figure 18 a slider body and first and second rails 112 and 120 extending in a longitudinal direction along the slider body where the leading edges of the rails are space from a leading edge LE of the slider body.

Figure 18 also shows first structure 100 having a first depth and extending from the leading edge LE of the slider body to the leading edges of and between the first and second rails. Second structure 130 has a second depth disposed adjacent to the first structure 100 and between the first and second rails. The second depth is lower than the first depth and the structure 130 begins more than one-third of the length of the slider body from the leading edge of the slider body, as shown in figures 18 and 19.

As per claims 2, 7, 12, 17, 22 and 27, figures 18 and 19 of Wada et al show first and second rails 112 and 120 generally closer to one another near the leading edge than near the trailing edge.

Wada et al shows compression pad 140 proximately to a trailing edge of the slider body. However, Wada et al is silent as to the compression pad, which includes a third structure having a depth equal to the first depth, having a height equal to a height of the first and second rails.

Levi shows in figure 2 a compression pad 38, which includes a third structure 72 having a depth equal to the first depth, having a height equal to a height of the first and second rails.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide Wada et al with a compression pad, which includes a third structure having a depth equal to the first depth, having a height equal to a height of the first and second rails, as taught by Levi et al. The rationale is as follows: one of ordinary skill in the art at the time the invention was made would have been motivated to provide a compression pad, which includes a third structure having a depth equal to the first depth, having a height equal to a height of the first and second rails “to afford improvement in the manufacture of air bearing sliders and to optimize air flow across the air bearing sliders”. See column 3, lines 33-42 of Levi.

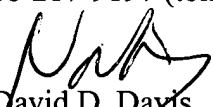
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Davis whose telephone number is (703) 308-1503. The examiner can normally be reached on Monday thru Friday between 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David D. Davis
Primary Examiner
Art Unit 2652

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